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Parcels: 58-00-07120-00-4
 58-00-02694-01-1
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**NOTICE OF INSTITUTIONAL CONTROLS,
PROVISIONS OF ACCESS AND OBLIGATIONS
REGARDING SUCCESSORS-IN-INTEREST**

NOTICE OF INSTITUTIONAL CONTROLS, PROVISIONS OF ACCESS AND
OBLIGATIONS REGARDING SUCCESSORS-IN-INTEREST

This Notice of Institutional Controls, Provisions of Access and Obligations Regarding Successors-in-Interest is made this 15TH day of NOVEMBER, 2019, by RAGM Holding Company ("RAGM Holding") (referred to herein as "Owner"), having an address at 2550 Eisenhower Avenue, Suite C-209 Norristown, PA 19403.

A. RECITALS

WHEREAS, RAGM Holding is the owner of four lots, located on Renaissance Boulevard, Upper Merion Township, Montgomery County, Pennsylvania ("Lots 42, 43, 44 and the Flint Hill Road Lot") which are located within or adjacent to the Crater Resources Superfund Site ("Site") and which are legally described in Exhibit A; and

WHEREAS, from 1918 until 1977, the Alan Wood Steel Company and its successors operated a coke and coke byproduct manufacturing facility in nearby Swedeland, Pennsylvania, from which waste ammonia liquor, containing hazardous substances was pumped via pipeline to quarries located within the Site; and

WHEREAS, on September 27, 2000 the United States Environmental Protection Agency ("EPA") published a Record of Decision ("ROD") for the Site which specified Response Actions to be taken and limitations on future use of the Site, including the application of Institutional Controls regarding on-site soils, sediments, surface water and groundwater use in order to reduce the potential for human exposure to contamination; and

WHEREAS, on April 30, 2001 EPA issued a Unilateral Administrative Order, Docket No. 3-2001-0009 ("UAO"), directing certain Potentially Responsible Parties ("PRPs") to implement the Response Actions and other requirements set forth in the ROD; and

WHEREAS, Section VIII (Access to and Use of the Site) of the UAO requires owner of land within or immediately adjacent to the Site to authorize access to the Site to EPA and all other persons performing Response Actions under EPA oversight for all purposes associated with the Response Actions and to impose use restrictions on the Site; and

WHEREAS, a Restrictive Covenant between RAGM and PRPs at the Site, dated December 21, 2005, prohibits residential use and requires notice and approval by EPA and the PRPs if any disturbance of final grade and drainage is to occur on certain parcels within the Site; and

WHEREAS, Upper Merion Township Zoning Ordinance, chapter 165 article XXIV, prohibits residential use of the Site; and

WHEREAS, the Renaissance at Gulph Mills Protective Covenants apply to all parcels within the Site;

B. DECLARATION OF USE RESTRICTIONS, ACCESS AND OBLIGATIONS REGARDING SUCCESSORS-IN-INTEREST

NOW, THEREFORE, intending to fulfill the terms of the UAO, RAGM and files this Notice of Institutional Controls, Provisions of Access and Obligations Regarding Successors-In-Interest.

1. Purpose. It is the purpose of this instrument to summarize the use restrictions and access and notice requirements applicable to the Lots.

2. Restrictions on use.

(a) The following applies to the use of Lots 42, 43, 44 and the Flint Hill

Road Lot:

(i) There shall be no well drilling for the construction of water extraction wells in aquifers under the Site.

(ii) The Lots shall not be used for residential purposes, except a hotel/motel may be located on Lot 44.

(iii) There shall be no disturbance of final grade or drainage on the Lots without prior notice to and approval by EPA and the PRPs.

(iv) Owner shall provide EPA and its authorized representatives, including the PRPs and their contractors, access to the Lots at reasonable times and upon reasonable notice for the sole purpose of conducting Response Actions required by the ROD and the UAO.

3. Provisions regarding notice to EPA and potential successors-in-interest. The following applies to the provision of certain notifications to EPA and potential successors-in-interest should the Owner intend to convey an interest in all or a portion of the Lots:

(a) Owner shall file this Notice with the Office of the Recorder of Deeds Montgomery County, Commonwealth of Pennsylvania. Such recording shall be made in the Grantor/Grantee and Lot/Block indices of the Land Records for the Property.

(b) At least thirty (30) days prior to any conveyance of any interest in the Lots, including, but not limited to, fee interests, leasehold interests, easements, land use interests, licenses and mortgage interests, owner shall give EPA written notice of its intent to do so by providing EPA with a copy of the agreement of sale regarding such intended transfer.

Simultaneously, owner shall provide the grantee(s) or transferee(s)-in-interest a copy of this Notice.

(c) In the event that owner conveys less than a fee simple absolute interest in all or a portion of the Lots, owner's obligations to comply with applicable Institutional Controls and to provide access to the Lots shall continue to be met by owner interest it continues to hold in such Lots. In no event shall such a conveyance release or otherwise affect owner's obligations absent the prior written consent of EPA.

4. No Public Access and Use. This instrument does not grant any right of access or use to any portion of the Lots to the general public.

5. Notice Requirements. Owner is required to include in any instrument conveying any interest in any portion of the Property including, but not limited to, deeds, leases and mortgages, a Disclosure which is substantially in the following form:

THE INTEREST CONVEYED HEREBY IS SUBJECT TO A NOTICE OF USE RESTRICTIONS AND THE TERMS, CONDITIONS AND RESTRICTIONS CONTAINED THEREIN, DATED THE NOTICE OF USE RESTRICTIONS WAS RECORDED ON IN THE LAND RECORDS IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR MONTGOMERY COUNTY, PENNSYLVANIA IN BOOK, _____ PAGE _____. IN ADDITION, THE INTEREST CONVEYED HEREBY IS SUBJECT TO THE CONSENT DECREE FOR THE REMEDIAL DESIGN AND REMEDIAL ACTION THAT WAS LODGED ON MARCH 28, 2001 IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA (C.A. No 91-4868 (ED. Pa)), AND THE TERMS, CONDITIONS AND RESTRICTIONS CONTAINED THEREIN. THE CONSENT DECREE FOR THE REMEDIAL DESIGN AND REMEDIAL ACTION IS ENFORCEABLE BY THE UNITED STATES OF AMERICA

Within thirty (30) days of the date any such instrument of conveyance is executed, Owner shall provide U.S. EPA with a certified true copy of said instrument and, if it has been recorded in the public land records, its recording reference.

8. Notice to Parties. Any notice, demand, request, consent, approval, or communication that either EPA or owner desires or is required to give to the other shall be in writing and shall either be served personally or sent by first class mail, postage prepaid, addressed as follows:

To Owner:

RAGM Holding Company
2550 Eisenhower Boulevard Suite C209
Trooper, PA 19403

To U.S. EPA:

Joseph McDowell
EPA Remedial Project Coordinator
United States Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103

Re: Crater Resources Superfund Site

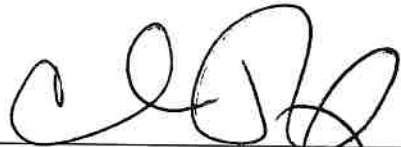
Meghan Kelley
Assistant Regional Counsel
United States Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103

Re: Crater Resources Superfund Site

In Witness Whereof the Owner has executed the foregoing document.

RAGM HOLDING COMPANY


By:


CHARLES J. PASQUALE, JR.
Vice President

State of Pennsylvania
County of Chester

This record was acknowledge before me on November 15, 2019 by Charles J. Pasquale, Jr. as Vice President who represent that he is authorized to act on behalf of RAGM Holding Company.

Commonwealth of Pennsylvania - Notary Seal
TIANA CLANTON, Notary Public
Chester County
My Commission Expires April 3, 2021
Commission Number 1275076


Notary Public